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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER
TRAN, HAI V

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 January 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

    4a) Of the above claim(s) *11-12, 40-42* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,13-39,43 and 44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

01/03/2005 has been entered.

Accordingly claims 11-12 and 40-42 are canceled.

Response to Arguments

Applicant's arguments filed 09/02/2004 have been fully considered but they are

not persuasive.

Applicant argues, "Yoshida does not describe how the program corresponding to

a destination code that is sent from a remote control... Yoshida does not describe how

the program initializes the TV set. In fact, the only description in Yoshida for configuring

a TV set is by changing diode-jumping circuits in the TV set (see Yoshida, Col. 1, line

50- Col. 2, line 6). It is possible that the TV set described by Yoshida may respond to

the destination code by merely changing the diode-jumping circuits based on the code,

without using any mapping table."

In response, the Examiner respectfully disagrees with applicant because first of

all, applicant seems confused and misunderstands Yoshida's Col. 1, line 50- Col. 2, line

6. In this section, Yoshida discloses, "...The present invention was developed in consideration of the above drawbacks inherent in the conventional art, and its object is to provide a method for changing microcomputer specifications installed in said TV sets for selecting proper program which initializes said TV sets destined for particular countries by transmitting "power on" data from the remote controller, **without** said diode circuit having to adopt said diode-jumping method."

Accordingly, one ordinary skill in the art would recognize that in order to change the microcomputer specifications installed in Yoshida's TV sets, Yoshida's TV set must compare the received "power on" data from the remote controller with a stored table of country code so to initialize the TV set accordingly (Col. 2, lines 54-Col. 3, lines 18).

Applicant further argues, "...the table described in Nalbandian is not equivalent to the channel-to-frequency mapping tables as recited in claim1."

In response, the Examiner respectfully disagrees with Applicant because Nalbandian inherently discloses a "country table" that lists the countries according to ITU-R codes and wherein the "country table" is in relation with corresponding Table of frequency allocations for broadcasting purpose (beside Radiocommunication) on each state or country. The Table of frequency allocations corresponds to the channel-to-frequency mapping table; see page 3, section 4.1, 3rd paragraph. The Examiner provided two additional documents to support the inherent features of ITU's country codes and multiple channels to frequency mapping tables. In particular these documents clearly indicate that claimed subject matter are necessary in the selection or

operations of country codes in at least the Nalbandian reference (see previous Office

Action dates 06/21/2004. In summary, country table are provided directly by Yoshida

and/or Nalbandian and/or ITU document (cited but not directly relied upon). Multiple

channel to frequency mapping table are provided by Nalbandian and/or Global Video

Standards Map (cited, but not directly relied upon).

Applicant argues, "... nothing in Yoshida or Nalbandian discloses or suggests a

video decoder module that decodes the digital video data according to a particular video

standard ..."

In response, the Examiner respectfully disagrees with Applicant because

Yoshida TV tuning system must have a video decoder circuitry coupled to receive a TV

video signal from the tuner to convert the received TV video signal to digital video data

and a video decoder module, i.e., software, to decode the digital video data according to

a particular video standard, see col. 3, lines 5-18 (in digital computer environment, RF

video signal received at the tuner must be converted from analog to digital so the

computer processor could process the received RF video signal for determining the

corresponding video standard output format to display, i.e., NTSC).

Claims 26 and 27, applicant argue, "... Yoshida and Nalbandian also fail to

disclose or suggest an application program interface that has a method for performing

'setting a storage index for regional channel to frequency mapping'".

In response, the Examiner respectfully disagrees with applicant because, since "country table" are provided directly by Yoshida and/or Nalbandian and/or ITU document (cited but not directly relied upon) and "Multiple channel to frequency mapping table" are provided by Nalbandian and/or Global Video Standards Map (cited, but not directly relied upon), these tables are inherently indexed for purpose of search and retrieval. As to API, the Examiner asserts that API is well known in the computer under Microsoft Windows environment.

Claims 28, 32, 43 Applicant argues, "...neither Yoshida nor Nalbandian discloses or suggests any channel-to frequency mapping", "...neither Yoshida nor Nalbandian discloses or suggests a country table listing multiple countries and multiple channel-to-frequency mapping tables correlating channel numbers to corresponding frequencies for associated countries in the country table".

In response, the Examiner respectfully disagrees with applicant because, country table are provided directly by Yoshida and/or Nalbandian and/or ITU document (cited but not directly relied upon) and Multiple channel to frequency mapping table are provided by Nalbandian and/or Global Video Standards Map (cited, but not directly relied upon).

Claim 44, applicant argues, "...neither Yoshida nor Nalbandian discloses or suggests the use of a video standard."

In response, the Examiner respectfully disagrees and cites col. 3, lines 5-18, i.e., NTSC.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-10, 13-39 and 43-44 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yoshida (US 5363142) in view of Albert Nalbandian (ITU-R

studies on Spectrum management\Albert Nalbandian\ITU-BR SGD \ 02/05/98).

Regarding claims 1-3, 5-7, 21 and 32-34 Yoshida discloses a television set

with proper program codes stored in a microcomputer wherein the system identifies

the receiving country code by the remote control and selects and executes a proper

program corresponding to the receiving country code by performing necessary

preparation such as band and channel setting according to the receiving country

code (Col. 3, lines 1-18). In order to perform such function, Yoshida's system must

have/configure a set/table of plurality of countries code (minimum two countries, i.e.

Japan and USA) associated with a set/table of channel-to-frequency mapping table

of various countries in order to function as disclosed.

Yoshida does not clearly disclose, "The country table lists the countries

according to an ITU code"; However, Yoshida disclose the system performs

necessary preparation such as band and channel setting according to the receiving

country code (Col. 3, lines 14-18) in which Yoshida inherently has/uses a table of

country code for performing "multiple channel-to-frequency mapping table correlating channel numbers to corresponding frequencies for associated countries in the country table". Moreover, Yoshida, clearly describes initializing televisions destined for Japan, Europe and the USA such that Japan and USA are countries. Since Japan is a country within Asia continent and USA is a country within American continent, it is fair to conclude that Yoshida must set up at least a table of countries of at least two countries, i.e., Japan and USA in order to function as disclosed.

Nalbandian discloses Table of Frequency allocations for broadcasting purpose according to ITU-R (page 3; section 4.1); therefore, Nalbandian inherently discloses the country table lists the countries according to an ITU code in which the country table is in relation with corresponding Table of Frequency allocations for broadcasting purpose on each state or countries , as recommended by ITU-R. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida with country table list according to ITU standard and wherein the country table references to an associated channel-to-frequency mapping table for the selected country, as taught by Nalbandian, so to simplify the Table of Frequency Allocations, ease coordination requirements, promote equipment availability for international markets and reduce production cost, thus helping to meet the requirements of developing countries in particular, see page 3.

Regarding claims 4, 8, 22 and 35, Yoshida further discloses the system performs necessary preparation such as band and channel setting according to the receiving country code also contain a television standard, i.e., SECAM/PAL, NTSC...(Col. 3, lines 5-18).

Regarding claim 9, Yoshida and Nalbandian does not disclose, "embodied in software as a DLL."

Official Notice is taken that software written, as a DDL file is well known in the computer art under Microsoft Windows environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida in view of Nalbandian by developing software for a specific television tuning system, as a DLL file, so that the DLL file does not consume memory until it is used, and because DLL is a separate file, a programmer can make corrections or improvements to only that module without affecting the operation of the calling program or any other DLL files.

As for "stored on a computer readable storage medium", Yoshida must has some type of storage medium so to store software program and countries codes as disclosed.

Regarding claim 10, Yoshida television system must have a tuner in order to tune to the requested TV channel.

Regarding claim 13, in combination with claims 1-8, 10 and 12; Yoshida television tuning system must has a video decoder circuitry coupled to receive a television video signal from the tuner to convert the received television video signal

to digital video data and a video decoder module (software program) to decode the

digital video data according to a particular video standard, as disclosed Col. 3, lines

5-18 (in digital computer environment, RF video signal received at the tuner must be

converted from analog to digital so the computer processor could process the

receiving RF video signal. Once the converted digital video data is processed by the

processor wherein the processor defines the corresponding video standard output to

display, i.e., NTSC or PAL/SECAM, the converted digital video data must be

converted to corresponding video standard in order to display to the TV display).

Since, Yoshida discloses the process of adjusting the tuner circuitry to a

particular TV frequency and determine corresponding video standard output, i.e.

NTSC, is based on computer program, the claimed "tuner module" and "video

decoder module" limitations are further met by Yoshida's computer program since

computer software adjusts both the video and tuner elements of the TV, see Col. 3,

lines 5-18.

Regarding claim 14, the claimed limitation " wherein the country table list the

countries according to an ITU code" is analyzed with respect to claim 1-3 and 5-7.

Regarding claim 15, Yoshida and Nalbandian does not disclose wherein the

tuner module is "embodied in software as a DLL."

Official Notice is taken that software written, as a DDL file is well known in the

computer art under Microsoft Windows environment. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to

modify Yoshida in view of Nalbandian by developing software for a specific television

tuning system, as a DLL file, so that the DLL file does not consume memory until it is used, and because a DLL is a separate file, a programmer can make corrections or improvements to only that module without affecting the operation of the calling program or any other DLL files. In this instant case, the module is a tuner module.

Regarding claim 16, as discussed in claim 15, since the tuner module can be written and implemented as a DLL file, a programmer can make corrections or improvements to only that tuner module (DLL file) without affecting the operation of the calling program and does not have to replace the tuner circuitry and the decoding circuitry.

Regarding claims 17 and 25, Yoshida and Nalbandian do not specifically disclose the software program supports API to expose functionality of the tuner module (DLL file).

Official Notice is taken that API is well known in the computer art under Microsoft Windows environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida in view of Nalbandian by using API so that the Yoshida's software program could use those set of routine (API) to direct the performance of procedures by the computer OS.

Regarding claims 18, 23, Yoshida in view of Nalbandian tuner module/code segment (computer program) must store a set of television frequencies that map to corresponding channels within the particular country for subsequent retrieval as disclosed (Col. 3, lines 5-18).

Regarding claim 19 is analyzed with respect to claim 13.

Regarding to claim 20, as discussed in claims 1-3 and 5-7, Yoshida must has

unique country code assigned to the country table list.

Regarding claim 24, Yoshida and Nalbandian do not disclose a television-

tuning manager as recited in claim 19, "embodied as a software as a DLL."

Official Notice is taken that software written, as a DDL file is well known in the

computer art under Microsoft Windows environment. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to

modify Yoshida in view of Nalbandian by developing software for a specific television

tuning system, as a DLL file, so that the DLL file does not consume memory until it is

used, and because the DLL is a separate file, a programmer can make corrections

or improvements to only that module without affecting the operation of the calling

program or any other DLL files. In this instant case, the module is a television-tuning

manager.

As for "stored on a computer readable storage medium", Yoshida must has

some type of storage medium so to store software program and countries codes as

disclosed.

Regarding claim 26, as discussed in claims 1-3, 5-7 and 21, Yoshida and

Nalbandian do not specifically disclose the software program supports API for a

television tuning system and the API being embodied on a computer-readable

medium. As for "embodied on a computer readable medium", Yoshida must has

some type of storage medium so to store software program and countries codes as

disclosed.

Official Notice is taken that API is well known in the computer art under Microsoft

Windows environment. Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Yoshida in view of

Nalbandian by using API so that the Yoshida's software program could use those set

of routine (API) to direct the performance of procedures by the computer OS.

Regarding claim 27, as discussed in claim 26, Yoshida further performs all the

functions claimed such retrieving all analog video TV standards supported by the

tuning system, retrieving a current analog video TV standard in use (i.e., NTSC or

PAL/SECAM), setting a current TV channel, retrieving the current TV channel,

retrieving highest and lowest channels available, scanning for a precise signal on the

current TV channel's frequency, setting a country code, retrieving the country code,

setting a storage index for regional channel to frequency mappings, retrieving the

storage index , retrieving a number of TV sources plugged into the tuning system

setting and retrieving a type of tuning system (detection and setting by retrieving of a

video decoding format standard, associated with different countries, such as PAL,

NTSC, Secam etc. in order to decode the received TV signal), retrieving a current

video frequency (met by the tuner); and retrieving a current audio frequency (the

received TV signal having video and audio and the system performs any necessary

preparations such as band and channel setting to the program data such as

NTSC...).

Regarding claim 28, "receiving an ITU code for a particular country and selecting, based on the ITU code, a set of TV channel-to-TV frequency mapping for use in the particular country" is met by previous discussion in claims 1-3, 5-7 and 21.

Regarding claim 29, Yoshida in view of Nalbandian further disclose the step of selecting, based on the ITU code, a TV standard for use in the particular country, i.e., SECAM/PAL, NTSC...(Col. 3, lines 5-18).

Regarding claim 30, Yoshida in view of Nalbandian must store the selected set of TV channel-to-frequency mappings so to function as disclosed in claims 1-3, 5-7 and 21.

Regarding claim 31, As for "a computer readable medium having computer-executable instruction for performing the steps in the method claim 28", Yoshida in view of Nalbandian must have some type of storage medium so to store software program and countries codes so to perform as disclosed.

Regarding claim 36, Yoshida further discloses the step of scanning for a better quality frequency within the channel (performing any necessary preparations such as band and channel setting; Col. 3, lines 14-18).

Regarding claim 37, as discussed in claims 1-3, 5-7, 21 and 32-34, the step of indexing from an entry for the country in the country table to a particular Frequency Allocations table must be done by Yoshida in view of Nalbandian to perform the function as disclosed "if said destination code is [3AH], the computer identifies it as destined for Europe from programs stored within itself, performing any necessary preparations such as band and channel setting..." (Col. 3, lines 14-18).

Regarding claim 38, as discussed in claims 1-3, 5-7, 21 and 32-34, Yoshida in

view of Nalbandian must look-up in the particular channel-to-frequency table

(Frequency Allocations table) a TV frequency that correspond to the channel.

Regarding claim 39, Yoshida discloses computer executable instructions for

performing the steps in claim 32 (Abstract).

Regarding claim 43, it is analyzed with respect to claims 1-3, 5-7, 21 and 32-34;

Regarding claim 44, it is analyzed with respect to claims 1-3 in combination with

claim 4.

Conclusion

This is a conclusion of applicant's earlier Application No. 09/057,786. All claims

are drawn to the same invention claimed in the earlier application and could have been

finally rejected on the grounds and art of record in the next Office action if they had

been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL**

even though it is a first action in this case. See MPEP § 706.07(b). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

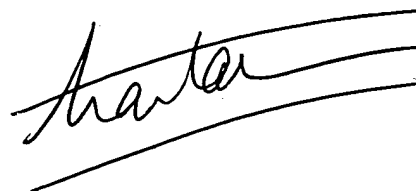extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
03/03/2005

**HAI TRAN
PRIMARY EXAMINER**